

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ZABIULLAH NASIRI,

Plaintiffs,

v.

PFIZER, INC.,

Defendant.

No. 2:24-cv-2111 KJM CKD (PS)

ORDER

This matter was referred to a United States Magistrate Judge under Local Rule 302(c)(21). On October 9, 2024, the magistrate judge filed findings and recommendations, which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 3. Plaintiff has not filed objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a review of this case. Having reviewed this matter, the court finds the findings and recommendations to be supported by the record and by proper analysis, except for the recommendation to dismiss without leave to amend plaintiff's California Legal Remedies Act (CLRA) claim, plaintiff's California False Advertising Law (FAL) claim and plaintiff's California Business and Professions Code section 17500.5 claim. *See Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012) ("A district court should not dismiss a pro se complaint without leave to amend unless it is absolutely clear that the deficiencies of the complaint could not be cured by

1 amendment.”) Plaintiff is allowed leave to amend these claims, only if possible within the  
2 confines of Rule 11.

3 Accordingly, IT IS HEREBY ORDERED as follows:

- 4 1. The findings and recommendations filed October 9, 2024 (ECF No. 3), are adopted in  
5 full.
- 6 2. Plaintiff’s complaint is dismissed with leave to amend the CLRA claim, the FAL  
7 claim, and the California Business and Professions Code section 17500.5 claim.
- 8 3. All of plaintiff’s other claims are dismissed without leave to amend.
- 9 4. This matter is referred back to the assigned magistrate judge for all further pretrial  
10 proceedings consistent with this order.

11 DATED: March 4, 2025.

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14 UNITED STATES DISTRICT JUDGE  
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